In the Supreme Court of the United States

OCTOBER TERM, 1972

No. 72-230

DOROTHY M. FREESE, INDIVIDUALLY, AND AS EXECUTRIX OF THE ESTATE OF M. LLOYD FREESE, PETITIONER

v.

UNITED STATES OF AMERICA

ON PETITION FOR A WRIT OF CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE TENTH CIRCUIT

MEMORANDUM FOR THE UNITED STATES IN OPPOSITION

The judgment of the court of appeals was entered on February 23, 1972 (Pet. App. 25–41), and a petition for rehearing was denied by that court on April 10, 1972 (Pet. 2). An extension of time for filing a petition for a writ of certiorari was granted to and including August 8, 1972. (Pet. 2.) The petition was filed on August 9, 1972. Since the time limitation is jurisdictional (28 U.S.C. 2101), the petition is untimely and should be denied.

Respectfully submitted.

ERWIN N. GRISWOLD,
Solicitor General.

AUGUST 1972.

U.S. GOVERNMENT PRINTING OFFICE: 1972